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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/822,661

03/24/97

TYCKSEN

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1546-3226

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EXAMINER

CANGIALOSI, S

ART UNIT

PAPER NUMBER

2746

DATE MAILED:

05/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/822,861	Applicant(s) TycKSAVER 9/	
Examiner S. Cangra losi	Group Art Unit 2746	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/27/98
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-36 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Other Note Small entity and Power of attorney Remains UNSIGNED

Office Action Summary

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-36 are rejected under 35 U.S.C. § 103 as being unpatentable over Fischer in view of either Stringer et al or Freeny, Jr.

Fischer(See Figs. 2-7)disclose a digital certificate and a related digital signature substantially as claimed. It is first noted that digital signatures are encrypted by standard practice and one variable(digital signature) can always be made a function of another even if that function is empirically derived. The differences between the above and the claimed invention is the application to a particular storage media and the actual meaning of a "protected area". Each of Stringer et al(See Figs. 1-2) or Freeny, Jr.(See Figs. 4-5) show

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use of digital storage media protected by digital agents. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fischer as modified above because it is conventional and standard practice to provide data security through digital agents such as certificates and signatures and these components are no more than the conventional equivalents of what is disclosed in the primary item of evidence. The deficiencies of the art with respect to some of the dependent claims deal with the conventional digital cryptographic protocols. It is noted that if the "protected area" is more clearly defined and an more explicit non-empirical function for the digital signature is claimed, the rejection of this paragraph may be overcome.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837.


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PRIMARY EXAMINER
ART UNIT 222